

Introduced by Senator Campbell

February 18, 2005

~~An act to amend Section 188.8 of the Streets and Highways Code, relating to transportation. An act to amend Section 226.5 of the Streets and Highways Code, relating to highways.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as amended, Campbell. ~~Transportation: programming of projects~~ *State highways: safety roadside rest areas.*

Existing law requires the California Transportation Commission and the Department of Transportation to plan, design, and construct a system of safety roadside rests on the state highway system. Under existing law, the department is authorized to construct, operate, and maintain a maximum of six new safety roadside rest area units as a joint economic development demonstration project where there is a public need for a rest area.

This bill would instead require the department to construct, operate, and maintain a maximum of 6 safety roadside rest area units, including 3 new units and 3 existing units as a joint public-private economic development demonstration project where there is a public need for a new rest area and for repair of existing rest areas. The bill would also require the department to authorize additional joint public-private economic development projects upon completion of the demonstration project.

~~Existing law requires the California Transportation Commission to program interregional and regional transportation capital improvement projects through the State Transportation Improvement Program process, consistent with estimated available funding. Existing law requires regional improvement projects nominated by regional~~

agencies to be programmed by the commission pursuant to certain formulas, known as the north-south split and county shares.

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 188.8 of the Streets and Highways Code~~
2 ~~is amended to read:~~

3 ~~SECTION 1. Section 226.5 of the Streets and Highways Code~~
4 ~~is amended to read:~~

5 226.5. (a) Unless prohibited by federal law or regulation, the
6 department, to promote public safety and convenience, ~~may~~ *shall*
7 construct, operate, and maintain a maximum of six ~~new~~ safety
8 roadside rest area units, *including three new units and three*
9 *existing units* as a joint public-private economic development
10 demonstration project where there is a public need for ~~a new rest~~
11 ~~area areas and there is public need for repair of existing rest~~
12 *areas*, and the joint economic development proposal will result in
13 an economic savings to the state.

14 (b) All of the following apply to the demonstration project
15 safety roadside rest area units:

16 (1) Contracts for construction, operation, and maintenance of
17 facilities in the demonstration project roadside rest areas shall be
18 awarded on the basis of competitive bidding.

19 (2) The department may permit commercial operations within
20 the units if the operations are traveler-related activities and no
21 alcoholic beverages are sold within the rest area facility.

22 (3) Law enforcement responsibilities within the units are the
23 same as are currently provided on the state highway system.

24 (4) The department shall submit a status report to the
25 Assembly Committee on Transportation and the Senate
26 Committee on Transportation one year following construction of
27 the initial unit and annually thereafter.

28 (5) The department holds, or affords the opportunity for, a
29 public hearing for each proposed unit so that local community
30 members who may be affected by rest area economic
31 development and other interested parties may comment on the
32 proposed project.

(c) Any money received by the state for the demonstration project shall be deposited by the department in the State Highway Account.

(d) Upon completion of the demonstration project in conformity with subdivision (b), the department shall authorize additional joint public-private economic development projects, including existing safety roadside rest units and any new units, provided that the additional projects fully conform with subdivision (b) and that the additional projects promote public safety and convenience.

~~188.8. (a) From the funds programmed pursuant to Section 188 for regional transportation improvement projects, the commission shall approve programs and program amendments, so that funding is distributed to each county of County Group No. 1 and in each county of County Group No. 2 during the county share periods commencing July 1, 1997, and ending June 30, 2004, and each period of four years thereafter. The amount shall be computed as follows:~~

~~(1) The commission shall compute, for the county share periods, all of the money to be expended for regional improvement projects in County Groups Nos. 1 and 2, respectively, as provided in Section 188.~~

~~(2) From the amount computed for County Group No. 1 in paragraph (1) for the county share periods the commission shall determine the amount of programming for each county in the group based on a formula that is based 75 percent on the population of the county to the total population of County Group No. 1 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 1.~~

~~(3) From the amount computed for County Group No. 2 in paragraph (1) for the county share periods the commission shall determine the amount of programming for each county in the group based on a formula that is based 75 percent on the population of the county to the total population of County Group No. 2 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 2.~~

~~(b) Notwithstanding subdivision (a), that portion of the county population and state highway mileage in El Dorado and Placer Counties that is included within the jurisdiction of the Tahoe Regional Planning Agency shall be counted separately toward~~

1 the area under the jurisdiction of the Tahoe Regional
2 Transportation Agency and may not be included in El Dorado
3 and Placer Counties. The commission shall approve programs,
4 program amendments, and fund reservations for the area under
5 the jurisdiction of the Tahoe Regional Transportation Agency
6 that shall be calculated using the formula described in paragraph
7 (2) of subdivision (a).

8 (e) A transportation planning agency designated pursuant to
9 Section 29532 of the Government Code, or a county
10 transportation commission created by Division 12 (commencing
11 with Section 130000) of the Public Utilities Code, may adopt a
12 resolution to pool its county share programming with any county
13 or counties adopting similar resolutions to consolidate its county
14 shares for two consecutive county share periods into a single
15 share covering both periods. A multicounty transportation
16 planning agency with a population of less than three million may
17 also adopt a resolution to pool the share of any county or
18 counties within its region. The resolution shall provide for
19 pooling the county share programming in any of the pooling
20 counties for the new single share period and shall be submitted to
21 the commission not later than May 1 immediately preceding the
22 commencement of the county share period.

23 (d) For the purposes of this section, funds programmed shall
24 include the following costs pursuant to subdivision (b) of Section
25 14529 of the Government Code:

26 (1) The amounts programmed or budgeted for both
27 components of project development in the original programmed
28 year.

29 (2) The amount programmed for right-of-way in the year
30 programmed in the most recent state transportation improvement
31 program. If the final estimate is greater than 120 percent or less
32 than 80 percent of the amount originally programmed, the
33 amount shall be adjusted for final expenditure estimates at the
34 time of right-of-way certification.

35 (3) The engineer's final estimate of project costs, including
36 construction engineering, presented to the commission for
37 approval pursuant to Section 14533 of the Government Code in
38 the year programmed in the most recent state transportation
39 improvement program. If the construction contract award amount
40 is less than 80 percent of the engineer's final estimate, excluding

1 ~~construction engineering, the department shall notify the~~
2 ~~commission and the commission may adjust its project allocation~~
3 ~~accordingly.~~

4 ~~(4) Project costs shown in the program, as amended, where~~
5 ~~project allocations have not yet been approved by the~~
6 ~~commission, escalated to the date of scheduled project delivery.~~

7 ~~(e) Project costs may not be changed to reflect any of the~~
8 ~~following:~~

9 ~~(1) Differences that are within 20 percent of the amount~~
10 ~~programmed for actual project development cost.~~

11 ~~(2) Actual right-of-way purchase costs.~~

12 ~~(3) Construction contract award amounts, except when those~~
13 ~~amounts are less than 80 percent of the engineer's final estimate,~~
14 ~~excluding construction engineering, and the commission has~~
15 ~~adjusted the project construction allocation.~~

16 ~~(4) Changes in construction expenditures, except for~~
17 ~~supplemental project allocations made by the commission.~~

18 ~~(f) For the purposes of this section, the population in each~~
19 ~~county is that determined by the last preceding federal census, or~~
20 ~~a subsequent census validated by the Population Research Unit of~~
21 ~~the Department of Finance, at the beginning of each county share~~
22 ~~period.~~

23 ~~(g) For the purposes of this section, "state highway miles"~~
24 ~~means the miles of state highways open to vehicular traffic at the~~
25 ~~beginning of each county share period.~~

26 ~~(h) It is the intent of the Legislature that there is to be~~
27 ~~flexibility in programming under this section and Section 188 so~~
28 ~~that, while ensuring that each county will receive an equitable~~
29 ~~share of state transportation improvement program funding, the~~
30 ~~types of projects selected and the programs from which they are~~
31 ~~funded may vary from county to county.~~

32 ~~(i) Commencing with the four-year period commencing on~~
33 ~~July 1, 2004, individual county share shortfalls and surpluses at~~
34 ~~the end of each four-year period, if any, shall be carried forward~~
35 ~~and credited or debited to the following four years.~~

36 ~~(j) The commission, with the consent of the department, may~~
37 ~~consider programming projects in the state transportation~~
38 ~~improvement program in a county with a population of not more~~
39 ~~than 1,000,000 at a level higher or lower than the county share,~~
40 ~~when the regional agency either asks to reserve part or all of the~~

1 county's share until a future programming year, to build up a
2 larger share for a higher cost project, or asks to advance an
3 amount of the share, in an amount not to exceed 200 percent of
4 the county's current share, for a larger project, to be deducted
5 from shares for future programming years. After consulting with
6 the department, the commission may adjust the level of
7 programming in the regional program in the affected region
8 against the level of interregional programming in the
9 improvement program to accomplish the reservation or
10 advancement, for the current state transportation improvement
11 program. The commission shall keep track of any resulting
12 shortfalls or surpluses in county shares.

13 (k) Notwithstanding subdivision (a), in a region defined by
14 Section 66502 of the Government Code, the transportation
15 planning agency may adopt a resolution to pool the county share
16 of any county or counties within the region, if each county
17 receives no less than 85 percent and not more than 115 percent of
18 its county share for a single county share period and 100 percent
19 of its county share over two consecutive county share periods.
20 The resolution shall be submitted to the commission not later
21 than May 1, immediately preceding the commencement of the
22 county share period.

23 (l) Federal funds used for federal demonstration projects that
24 use federal obligational authority otherwise available for other
25 projects shall be subtracted from the county share of the county
26 where the project is located.